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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/050,249

03/30/1998

HARUKI OKAMURA

OKAMURA=2B

6601

1444 7590 07/31/2009  
BROWDY AND NEIMARK, P.L.L.C.  
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EXAMINER

JIANG, DONG

ART UNIT

PAPER NUMBER

1646

MAIL DATE

DELIVERY MODE

07/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09050249	3/30/1998	OKAMURA ET AL.	OKAMURA=2B

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WASHINGTON, DC 20001-5303

**EXAMINER**

DONG JIANG

**ART UNIT****PAPER**

1646

20090729

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 01 April 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly amended claims 93, 99 and 100 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly amended claims 93, 99 and 100 are drawn to a matrix or substrate (in which a monoclonal antibody is immobilized). However, the previous presented claims 93, 99 and 100 were drawn to a monoclonal antibody (immobilized on a matrix or substance). A matrix/substrate is distinct from a monoclonal antibody because they are physically and functionally distinct chemical entities which share neither structure nor function. Immobilizing an antibody on a matrix/substrate merely represents how the antibody and the matrix/substance are used, and it does not change the nature of either the antibody or the matrix/substrate in the absence to the contrary, i.e., the antibody is still that antibody; and the matrix/substrate is still the same matrix/substrate. An antibody and a matrix/substrate are distinct inventions, and they are not obvious variants. For example, a prior art for the antibody (immobilized or not) would not necessary apply for the matrix/substrate. As such, the amendment filed on 01 April 2009 is non-responsive to the prior Office Action since applicant has received actions on the merits for the previously presented invention, which has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Dong Jiang, Art Unit 1646, whose telephone number is (571) 272-0872. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Dong Jiang/  
Primary Examiner, Art Unit 1646